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Canadian Transport
Commission
Western Division

Commission canadienne
des transports
Division de l'Ouest

Railway Transport Committee
Comité des transports par chemin de fer

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SASKATOON January 16

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DECISION NO. WDR1985-01

IN THE MATTER OF an application by the Canadian
National Railway Company for authority to:

- a) remove the station agents and station buildings
under The Pas Carload Service Centre at the
following locations in the Province of Manitoba:

Churchill	Wabowden
Ilford	Sherridon
Thicket Portage	Lynn Lake
Gillam	Cranberry Portage

and at Hudson Bay in the Province of
Saskatchewan.

- b) replace the buildings with passenger shelters at
the above locations.

File No: 4205.3753

Heard at: Thompson, Manitoba, June 5, 1984
The Pas, Manitoba, June 6, 1984
Churchill, Manitoba, June 19, 1984.

BEFORE:

Mr. Commissioner J.M. McDonough
Mr. Commissioner B.R. Wolfe
Mr. Commissioner J.D. Thompson, Q.C.

Chairman
Member
Member



APPEARANCES:

G.H. Nerbas	Counsel for the Canadian National Railway Company
J.K. Allen	Counsel for VIA Rail Canada Inc.
P.W. Noonan	Counsel for the Commission
R. Murphy, M.P.	Constituency of Churchill
Hon. Jerry Storie, M.L.A.	Minister of Northern Affairs Government of Manitoba
Harry Harapiak, M.L.A.	Constituency of The Pas
C.S. Mortimer	Norman Regional Development Corporation
Mayor R. McLeverty	Mayor of Thicket Portage
Dennis Schaefer Assisted by: Michael Creft	Manager, Transportation Policy Branch, Province of Manitoba

WITNESSES:

Gerald D. Adair John J. Dawson Kenneth R. England Gordon L. Kading James A. Stenhouse Lawrence Mikolayenko	Canadian National Railway Company
Herman Bogehold Norman H. Lowry	VIA Rail Canada Inc.
Adrian De Groot G. McEwen M. Babulic	City of Thompson
Mayor T. Pagee	Mayor of Pikwitonei
Walter Perepeluk	Lynn Lake Chamber of Commerce
G. Pronteau	Councillor of Thicket Portage
Gary A. Hanna Gerry Schawb	Local Government - District of Gillam and Gillam Chamber of Commerce

Darrell McLean	Cranberry Portage Chamber of Commerce
Mayor B. Unfried Assisted by: T. Moule	Mayor of The Pas
W. Shmon	Northern Association of Community Councils
M. Sinclair	Mathias Columb Band of Pukatawagan
R.A. Penwarden	Churchill Chamber of Commerce and Local Government District of Churchill.

On July 12, 1982, the Canadian National Railway Company (hereinafter "CN") filed an application with the Canadian Transport Commission for authority to remove the agency positions and the station buildings at nine communities in The Pas Carload Centre territory. This application is intended to further the Servocentre concept which was introduced by CN in 1971.

In an earlier era, station buildings and the station agents were an integral part of the rail transportation system. As a result of the absence of adequate telephone communication and road transportation, CN maintained representatives in almost every community served by its railway. With the continual evolution of ever more advanced networks of highway transportation and communications, individual station buildings and their agents declined in relative importance. Beginning in the early 1970's, CN embarked on a process of consolidating station services at centralized locations which are known as servocentres or carload centres. In this particular case, CN has requested authority to remove the station agents and station buildings at the following locations in the Province of Manitoba:

Churchill	Wabowden
Ilford	Sherridon
Thicket Portage	Lynn Lake
Gillam	Cranberry Portage

and at Hudson Bay, in the Province of Saskatchewan. CN has also requested authority to replace the existing station buildings with passenger shelters at the above locations. The territory covered by this application is extremely large and geographically diverse, ranging from Hudson Bay, Saskatchewan in the Parklands Belt to Churchill, Manitoba, located on the shores of Hudson Bay in the Arctic tundra region. Most of the stations are located on the Hudson Bay Railway which is one of the Canadian Government Railways, the management of which has been entrusted to CN

In order to ensure that all public interest issues in this case were fully canvassed, the Commission decided to hold public hearings at three central locations in the affected regions: on June 5, 1984 in Thompson, Manitoba; June 6, 1984 in The Pas, Manitoba and on June 19, 1984 in Churchill, Manitoba.

CANADIAN NATIONAL RAILWAYS SUBMISSION

Counsel for CN empanelled several witnesses to provide evidence-in-chief and to answer questions from the intervening parties. The CN witnesses included: Mr. G. Adair, Assistant General Superintendent -Transportation Administration - Winnipeg; Mr. J. Stenhouse - Special Assistant to the Vice-President; Mr. L. Mikolayenko, Manager - Carload Centre at The Pas; Mr. J. Dawson, Manager of Express for the Prairie Region; Mr. K. England, Regional Vice-President for CNX, CN Trucking for Western Canada and Mr. R. Kading, Manager - Carload Centre -Symington Yard -Winnipeg.

CN witnesses spoke to the Exhibit CN-2 which was a copy of the original CN application for its proposed agency closures and other service adjustments. The Servocentre concept which was first introduced on CN in 1970, has been fully operational for 14 years. The concept is based on modern computer and high technology equipment and according to CN it offers customers the following advantages:

- a network of Carload, Express and Intermodal Centres capable of providing a full range of services to meet the specific needs of customers.
- direct toll-free telephone access to principal CN business offices.
- better co-ordination of services and access to CN staff specialists.
- "on-line" access to CN's computerized reporting and control system which gives quick response to car tracing enquiries; better information on car availability.
- continuation of centralized telecommunications services by CNCP Telecommunications in Winnipeg.

CN has made one change to its Servocentre in The Pas. VIA Rail and CN Express facilities have been removed from the premises and located elsewhere so, in effect, the servocentre has now become a carload centre. CN took the position that this was a substantial change in the application and in the kind of services now provided by the Canadian National Railway Company through The Pas.

CN's position with respect to the application is that with the changeover to a centralized system, the agents' position has become redundant and the station buildings play no vital role in the provision of CN Rail carload service. As regards LCL Traffic (Less Than Carload) service in the area under consideration is now provided by CN Express using a combination of rail and highway transportation, interlining with Swan River - The Pas Transport (hereinafter

SRP), Winnipeg to Thompson and Winnipeg to Gillam. SRP is a motor carrier subsidiary of CN and is under the jurisdiction of the Manitoba Motor Carrier Board with respect to matters of routes, services and tariffs. Beyond Thompson north to Churchill express shipments are moved by rail on passenger coaches which have been converted to flat cars for the carriage of intermodal equipment. These cars are attached to the thrice weekly passenger train service and handled by CN agents. CN also indicated that the railway disbanded its LCL Traffic Department in the late 1960's. Under the proposed system, with the removal of the agents at the various locations, the express traffic would be handled at on line communities by a local on-hand representative who would act as an agent of CN Express to handle shipments on and off trains, including C.O.D. shipments where accepted by CN Express. This system would be in effect at locations not directly served by SRP and would exclude Churchill where CN anticipates retaining the two CN Express employees employed there at present.

VIA RAIL SUBMISSION

VIA Rail Canada Inc. (hereinafter VIA) empanelled two witnesses to adduce evidence with respect to current passenger train operation and those proposed should CN's application be granted. These witnesses included: Mr. Norman H. Lowry, District Sales Manager for VIA for Manitoba, Saskatchewan and Northwestern Ontario and Mr. Herman Bogehold, Station Facilities Officer, responsible for facilities in B.C., Alberta, Saskatchewan, Manitoba and Northern Ontario.

Counsel for VIA read an excerpt from a letter written by VIA to the Secretary of the Railway Transport Committee with respect to the current hearings. The letter succinctly outlines VIA's proposals with respect to passenger ticket sales:

"In the event CN is granted Railway Transport Committee approval to remove their station agents from nine communities in Northern Manitoba, it is VIA's intention to effectively and adequately serve the needs of the travelling public insofar as ticket sales are concerned by:

- a) continuing to offer tickets by mail through the telephone sales offices in Winnipeg on a 24-hour-a-day basis;
- b) continuing the availability of on-train conductor sales;
- c) entering into contracts with local representatives in each community to provide local ticket sales on a commission basis; and
- d) where feasible, to establish ticket sales through travel agencies.

As far as the proposed removal of the station facilities is concerned, Mr. Bogehold stated that at all the locations, VIA proposes to furnish a heated and lighted shelter and to retain local caretakers who would open and close the building, keep it clean, remove snow, and handle baggage from the trains. It was further stated that the shelter would be locked when there is no train

service. It would be open one hour before the train arrives and locked again following the departure of the passengers.

It was stressed by Mr. Bogehold that these would be energy-efficient shelters. Exhibit CN No. 6 portrayed the actual expenses for the year 1983 to operate the existing stations. For the various locations these were as follows:

	January to December 1983 (Actual Expenses)							
	Payroll	Heat	Hydro	Phone	Water	CRTK	Misc.	Total
	\$	\$	\$	\$	\$	\$	\$	\$
Hudson Bay	128,009	---	4,973	124	--	--	75	133,181
Cranberry	28,236	5,438	464	94	--	--	96	34,328
Portage								
Sherridon	25,114	2,108	681	238	--	--	156	28,297
Lynn Lake	47,875	2,868	3,186	260	990	960	607	56,746
Thicket	25,562	1,021	2,660	356	--	--	78	29,677
Portage								
Ilford	36,799	2,721	2,023	1,118	--	--	114	42,775
Gillam	114,298	12,562	6,651	422	1,086	--	210	135,229
Wabowden	99,609	9,022	2,656	178	2,268	--	414	114,147
Churchill	62,790	15,990	41,125	474	1,462	--	86	121,927

*CRTK = Caretaker

In contrast, the maintenance of the new shelters, as stated by Mr. Bogehold, would average between five and eighty thousand dollars per year depending on the location and availability of caretakers. The cost elements included in this total would be heat, light, general maintenance and upkeep (including replacing broken windows, paving and removing snow) as well as the caretakers wages.

Mr. Bogehold also advised us that VIA would post information notices outside the shelter which stated the opening and closing times of the shelter. Inside, there would be signs which displayed the current arrival and departure times of the trains and, at the bottom, the sign would contain a toll-free number to phone for further information, reservations or tickets. In addition, where there were no ticket sales, there would be another sign which informed customers that tickets were no longer being sold at that station and would include the name of the local representative from whom tickets could be purchased and would also list the toll-free number.

As far as the size of shelters is concerned, Mr. Bogehold asserted that for the nine locations in the application, there likely would have to be various sized shelters, depending on the traffic at each particular point.

APPEARANCES AND SUBMISSIONS

During the three days of the hearing, a large number of people took the opportunity to express their views. We do not propose to recount in detail the evidence of these witnesses. This evidence may be found in the transcript and exhibits of this hearing on file with the Commission in Saskatoon.

However, we believe that a summary of the salient issues will be useful in establishing a background for our decisions.

Before summarizing these issues, we would like to express our appreciation to all the witnesses who appeared before us. We found their evidence extremely useful in our deliberations on the matters before us.

ISSUES

The Necessity of an Agent

CN takes the position that retention of the agent is merely a perpetuation of a redundancy. The agent is no longer required for the duties which historically they had performed, since the customer now interfaces directly with a central control point. Nor is there any reason to retain people to perform the duties of an operator since the function also became redundant with the complete introduction of the Manual Block System (M.B.S.) to this area. This system provides direct radio communication between the train dispatcher and the crew on the train, whereby the crew get their instructions for proceeding or meeting other trains through and beyond the block of track allotted to them. There is also provision for maintenance crews, whether they are working on the track or patrolling to communicate by radio directly with the train. This complete communication link is connected with the dispatcher centered at Winnipeg.

Carload traffic is handled by the carload centre in The Pas. There is continuous service with a toll-free telephone which is answered on a 24-hour basis. Car information, such as tracing and ordering, is available for the same duration as is any information on the expected arrival of cars. Customers can call at any time to release a car, whether they have just loaded it or unloaded it. Waybiling is also provided and, as well, there are people at the centre who can tender information on special handling of cars, rates and claims service. This latter service has been enhanced by the reorganization of the claims division in Montreal which allows area claims personnel to provide direct personal contact on claims matters.

The question of continuing LCL or express service and provision of adequate passenger service was the thrust of the majority of the concerns expressed by the intervenors and public interest witnesses who appeared before us.

Mr. G.A. Hanna, representing the local government for the District of Gillam, expressed concern that the Town of Gillam would lose the local contact and be left with a phone number and a computer to deal with. There was also apprehension about the extended processing time that may occur on express damage claims resulting from the lack of an agent.

Representatives from the Government of Manitoba appearing before us in Thompson, presented and spoke to a brief advancing the province's opposition to the removal of the agents and the station buildings. The province is of the view that recent economic development in Manitoba is

expected to result in substantially increased utilization of the Hudson's Bay route for export, import and resupply traffic. The province is of the further view that the threatened removal of agents and the resulting loss of personalized service is a very serious matter and the very viability of the communities affected would be threatened if there was no staff available to assure the shipment and receiving of goods. The province maintains that staff must be made available to handle express shipments, to respond to enquiries, to provide train information, to sell tickets, to process C.O.D. shipments, to assist in resolving claim disputes, to ensure the provision of safe, clean and heated shelters for the passengers, as well as to guarantee the safe movement of trains. These remarks were later reiterated by Mr. Harry Harapiak, Member of Parliament for the constituency of The Pas and by Mr. Rod Murphy, Member of Parliament for the constituency of Churchill, when the hearing resumed in The Pas. In addition, the Province of Manitoba expressed its concern about the potential heritage loss which would ensue from the removal of the station buildings.

The points enunciated by the Government of Manitoba were basically the same as those expressed in the briefs submitted by the Manitoba Association of Urban Municipalities, the City of Thompson, the Lynn Lake Chamber of Commerce, the Norman Regional Development Corporation, The Town of The Pas and the Cranberry Portage Chamber of Commerce.

Several individuals from the various communities served by the CN line between Thompson and Churchill expressed their concerns about the removal of the agent and station buildings from these smaller communities which are almost completely dependent on the railway for the movement of goods and passengers. The only alternative would be air transport which most considered far too expensive. The sentiments of the people in these communities was succinctly expressed in a brief presented by the Cranberry Portage Chamber of Commerce (page 338 of the transcript):

"The agent is a person who understands the background and the individual needs of the local people. The agent is a member of the community, a guardian of the luggage and freight, an interpreter of the rules, a babysitter, a counsellor, a tourist guide and a host in cold or wet weather. In effect, the agent is the human touch or quality of that cold machine called the CN"

In addition, some witnesses were of the view that some of the residents in the communities under consideration could be at a disadvantage because the person answering the phone at the toll-free numbers may have difficulty with the requests because of a language barrier. They feel that these resulting difficulties are more easily resolved on a person to person basis.

Meanwhile, during its presentations and during cross-examination, CN steadfastly maintained that service to all communities would not be affected by the removal of the agent's position. A local representative would be in place at each community to provide all the services normally associated with the agent.

members of the
Legislative
Assembly

In addition, Mr. England stated CN have had some discussions with VIA people with regards to the possibility of using a joint individual as a caretaker for the shelters. In other words, CN hoped to arrange for the joint use of the shelters for on-hand storage of freight consignments and to jointly utilize one individual to look after the requirements of CN and VIA at points such as Ilford, Sherridon and Thicket Portage.

With respect to the fate of the employees who would be affected by the removal of the agents' positions, CN explained the several company options that would be available to the displaced employees. These included such options as, early retirement, maintenance of earnings agreements and retraining.

The Removal of the Station Buildings

Mr. H. Bogehold and Mr. N. Lowry, appearing as witnesses for VIA Rail, tendered and spoke to Exhibit VIA-2. This document outlined VIA's intentions should the removal of the present station buildings be approved. At all locations, a heated and lighted shelter would be built. It would be locked when there was no train service, opened one hour before the train arrives and locked again after the passengers have departed. VIA would undertake to retain local caretakers who would also open and close the building, keep it clean, remove snow and handle baggage from the train. Moreover the shelters would contain a train information board, information as to where tickets could be purchased and other appropriate signage. As far as ticket sales were concerned, these would be handled by a travel agent in the larger communities or by a local contracted representative where no agencies exist. Sales on board the train from the conductor would continue to be available.

Concern was expressed by several witnesses with respect to the lack of access to pay telephones in the small communities which they felt may cause people some hardships when they wished to obtain information on train arrivals or departures. As an example, Mr. R. McCleverty, Mayor of the community of Thicket Portage stated that Thicket Portage has one public telephone which is located in the local store and is available five days per week, Monday to Friday between ten in the morning and five in the afternoon. Mr. Bogehold submitted that if there was not a phone within easy walking distance of any shelter that VIA constructed, it would install a public telephone. On the other hand, it was stated that in all of the locations except Churchill, the telephones would be installed outside the buildings.

Other witnesses were of the view that because of the lack of facilities in some of the remote centres, rest rooms should be provided in the replacement shelters. VIA, however, indicated that there were no plans to install washrooms in the proposed passenger shelters.

FINDINGS and CONCLUSIONS

The application brought before the Commission at this hearing advances a rationalization of public services initiated more than a decade ago. These changes have been brought about by the changing nature of the market for rail transportation services. At one time, the railways carried the greater proportion of commercial traffic in Canada but with the advent of motor and air carrier transportation the rail mode has suffered a loss of traffic to alternative modes, particularly in respect of less than carload traffic. In recent decades the railways have become principally haulers of bulk commodities and carload lots. Northern Manitoba presents an anomolous situation in that the unavailability of highways precludes motor carrier competition and the majority of less than carload traffic consignments still utilizes the rail mode.

In order to fully implement the rationalization programme for the Hudson Bay route, CN has re-organized its functions so that CN Rail can largely restrict its services to carload traffic. Thus, less than carload shipments are now characterized as express traffic and such services are provided by CN's express services. Recently, as a result of a corporate re-organization CN Express and CN Trucking operations have been consolidated under the name Transport Route Canada Inc., as a wholly owned subsidiary of Canadian National Transportation Limited which in turn is a wholly-owned subsidiary of the Canadian National Railway Company. Beginning with the first day of January, 1983, the CN trucking subsidiary in northern Manitoba, Swan River - The Pas Transfer Company, was amalgamated with Transport Route Canada Inc. but its name has been retained as an operating division within Transport Route Canada. Under express tariffs filed under Section 306 of the Railway Act, express services are provided by both Canadian National Railways and its subsidiaries. The Canadian Transport Commission has broad powers over CN as a rail carrier but our jurisdiction over express companies is limited to the powers contained in Sections 305 through 309 of the Railway Act. These powers are largely concerned with tariffs of tolls but Section 309 does empower the Commission to define what kinds of traffic constitute express traffic for the purposes of the Railway Act.

Under the Railway Act, the obligations of CN extend to accepting less than carload traffic. At the present time these services are being provided to the public by the railway and its express subsidiaries. If at any time in the future the express subsidiaries should fail to provide adequate service to the public, action can be taken by this Commission under both Sections 309 and 262 of the Railway Act to ensure that adequate facilities are provided by the railway for the carriage of less than carload traffic.

Having given this matter careful consideration we are convinced of the need to ensure continued adequate provision of L.C.L. traffic services to the public in this remote region of Manitoba. With the new organizational structures by CN the provision of these services by station agents is no longer required. The evidence disclosed that these services can be effectively and efficiently provided by contracted on hand representatives at remote locations. We find that removal of the station agents at the locations applied for will not affect public services provided that permanent contract-on hand representatives are maintained at these points.

We find that removal of the agents will reduce railway overhead costs and permit a more efficient allocation of resources within the company. Furthermore, the agents are no longer required to act as operators providing train dispatching services along the Hudson Bay route. Although the evidence disclosed that the Manual Block System is not free from defects, nevertheless, the evidence showed that it is an effective and safe method of train operation. The experiences of both CN and other railways with this method of train operation in Canada have been positive.

The evidence with respect to carload services showed that these services are now largely carried out in the carload service centre. It is apparent that the station agents are no longer required for providing carload services and that such services are more effectively and efficiently maintained through the carload service centre.

With the incorporation of Via Rail Canada Inc. and the transfer of primary responsibility for rail passenger service on the Hudson Bay route from CN to Via, it is apparent that CN station agents are no longer required for passenger train services provided that Via implements a system of contract-on hand representatives at remote locations for ticketing and other rail passenger services.

In summary, having considered all of the evidence that has been presented we find that the station agents are no longer required in order to provide general transportation related services to the public provided that permanent-on hand representatives are maintained at remote locations by CN and Via to provide these services in accordance with the servocentre concept. Furthermore, we find that removal of the station agent positions at these locations will effect economies in the operation of the railway thus increasing the efficiency of this particular carrier. Accordingly, the decision of the Commission with respect to CN's application to remove station agents at the named locations is that the application is granted subject to conditions necessary to protect the public interest as referred to above.

We have noted the concerns of some of the witnesses with respect to the difficulties of language communication. Where the railway operates in remote regions and segments of the population have a unique linguistic background, the railway might consider expanding its language of service.

As regards the removal of the station buildings the following factors are salient in our opinion. The Hudson Bay route traverses a remote region of the country. The climate is severe and the region lacks the transportation and communication facilities which southern Canadians take for granted. The evidence submitted by CN demonstrates conclusively that the existing station buildings are expensive to maintain and that costs can be reduced by their removal, thus enhancing the operating efficiencies of the carrier. At the same time the passenger shelter facilities which Via proposes as replacements must provide for the comfort and convenience of entraining and detraining passengers. In this context it is important to consider the nature of this region. The winter weather conditions are severe with snow and temperatures far below freezing. In such circumstances it is essential that the passenger shelters be opened well before the scheduled arrival of a passenger train and kept open until well after its actual departure time, in order to protect the public from inclement weather.

Furthermore, this area is remote, with few public washroom facilities. Many passengers, particularly children, will be discomfited if they have to wait a lengthy period of time for a train without access to washroom facilities within the shelters. In our opinion, provision must be made in any replacement shelters for public washroom facilities at remote locations. Finally, the passenger shelter facility should be equipped with a public telephone, preferably on the outside to ensure access at all times, provided that such a facility can be obtained from the provincial telephone utility. It is essential to provide for adequate telephone facilities in order to communicate with Via for the purposes of obtaining train information. If it is impossible to obtain a public telephone facility the railways must so advise this Commission. Lastly, the size of the passenger shelter is of concern to the Commission. Via employs standardized shelters at various locations but these shelters may not be adequate in all instances. Therefore, in order to ensure the provision of adequate passenger shelters for the travelling public at these locations, in lieu of the existing stations, the railways will be required to file copies of the plans for the replacement shelter at each location prior to the removal of the station and the construction of the replacement shelter. If the proposed shelters are inadequate this Commission can take action, upon due notice, pursuant to Section 129(3) of the Railway Act in order to ensure the adequacy of passenger shelter facilities afforded to the travelling public.

We would hope also that during this process CN would, especially at Churchill, take cognizance of any requests or proposals to preserve the heritage of any of the existing buildings.

In summary, we find that the existing station buildings are no longer required in order to serve the needs of the travelling public provided that adequate heated and lighted passenger train shelters with communication and washroom facilities opened for prescribed periods before and after train time are provided in lieu of the existing stations. Accordingly, the application for removal of the stations will be granted subject to conditions required to protect the public interest as described above.

An order will issue accordingly.

signed

J.M. McDonough
Commissioner

B.R. Wolfe
Commissioner

J.D. Thompson, O.C.
Commissioner



February 1 1985
le 1 février 1985

ERRATA

File No: 4205.3753

Decision No. WDR1985-01 dated January 16, 1985, is corrected as follows:

1. On page 6, in the first paragraph following the table, the word "eighty" in the second line of the English version is deleted and the word "eight" is substituted.
2. On page 10, in the second paragraph, the number "309" in line seventeen of the English version and line nineteen of the French version is deleted and the number "311" is substituted.
3. On page 8, in line twelve in the English version and line thirteen in the French version, the reference to Mr. Harry Harapiak is corrected to read "Member of the Legislative Assembly."

ERRATA

- Référence n° 4205.3753

Décision n° WDR1985-01 datée le 16 janvier, 1985 est corrigée comme suivant:

1. À la page 6, au premier paragraphe suivant le tableau, dans la deuxième ligne de la version anglaise, la suppression du mot "eighty" et son remplacement par le mot "eight".
2. À la page 10, au deuxième paragraphe, à la dix-septième ligne de la version anglaise et à la dix-neuvième ligne de la version française, la suppression du chiffre "309", et son remplacement par le chiffre "311".
3. À la page 8, à la douzième ligne de la version anglaise et à la treizième ligne de la version française, la référence à M. Harry Harapiak, doit se lire "membre de l'assemblée législative".

signed/signature

R.W. Lebell
Secretary Secrétaire

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